

UNITED STATES DISTRICT COURT
for the
District of Arizona

MA
8/17/17
United States of America)
v.)
Carlos Sarbia-Aragon,) Case No. 17-344 MJ
a.k.a.: Carlos Sarbia Aragon,)
a.k.a.: Carlos Sarbia A.,)
(A087 536 984))
Defendant)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of August 16, 2017, in the County of Pinal, in the District of Arizona, the defendant violated Title 8, U.S.C. § 1326(a), an offense described as follows:

Carlos Sarbia-Aragon, an alien, was found in the United States of America at or near Florence, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near El Paso, Texas on or about July 21, 2016, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a), and enhanced by (b)(1).

I further state that I am a Deportation Officer.

This criminal complaint is based on these facts:

See Attached Statement of Probable Cause Incorporated By Reference Herein

REVIEWED BY: Charles E. Bailey, P.S. for AUSA Amy Brown
CEB

Continued on the attached sheet.

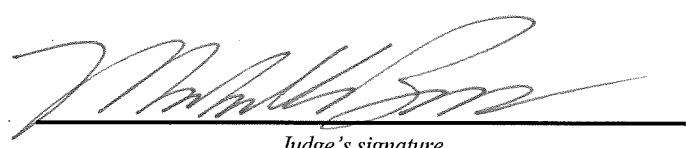

Complainant's signature

Salvador Delgado II,
Deportation Officer

Printed name and title

Sworn to before me and signed in my presence.

Date: August 21, 2017


Judge's signature

City and state: Phoenix, Arizona

Michelle H. Burns,
United States Magistrate Judge

Printed name and title

STATEMENT OF PROBABLE CAUSE

I, Salvador Delgado II, being duly sworn, hereby depose and state as follows:

1. Your affiant is a Deportation Officer with United States Immigration and Customs Enforcement (ICE). I have learned from direct participation in the investigation and from the reports and communications of other agents and officers the facts recited herein.
2. On August 16, 2017, Carlos Sarbia-Aragon was encountered by the Pinal County Sheriff's Office and booked into the Pinal County Jail (PCJ) on local charges. While incarcerated at the PCJ, Sarbia-Aragon was examined by Officer E. Hernandez who was designated with the authority to determine alienage under the Immigration and Naturalization Act, Section 287(g). Officer E. Hernandez determined Sarbia-Aragon to be a Mexican citizen, illegally present in the United States. On the same date, an immigration detainer was lodged with the PCJ. On August 17, 2017, Sarbia-Aragon was released from the PCJ and transported to the Florence ICE office for further investigation and processing. Sarbia-Aragon was held in administrative custody until his criminal and immigration records could be obtained and his identity confirmed.
3. Immigration history checks revealed Carlos Sarbia-Aragon to be a citizen of Mexico and a previously deported criminal alien. Sarbia-Aragon was removed from the United States to Mexico through El Paso, Texas on or about July 21, 2016, pursuant to the reinstatement of an order of removal issued by an immigration official. There is

no record of Sarbia-Aragon in any Department of Homeland Security database to suggest that he obtained permission from the Secretary of the Department of Homeland Security to return to the United States after his removal. Sarbia-Aragon's immigration history was matched to him by electronic fingerprint comparison.

4. Criminal history checks revealed that Carlos Sarbia-Aragon was convicted of Re-Entry of Removed Alien, a felony offense, on November 30, 2015, in the United States District Court, District of Arizona. Sarbia-Aragon was sentenced to twelve (12) months and one (1) day of imprisonment and three (3) years' supervised release. Sarbia-Aragon's criminal history was matched to him by electronic fingerprint comparison.
5. On August 17, 2017, Carlos Sarbia-Aragon was advised of his constitutional rights. Sarbia-Aragon freely and willingly acknowledged his rights and agreed to provide a statement under oath. Sarbia-Aragon stated that his true and complete name is "Carlos Sarbia A." and that he is a citizen of Mexico. Sarbia-Aragon stated that he illegally entered the United States at or near Sasabe, about one week ago, without inspection by an immigration officer. Sarbia-Aragon further stated that he had been removed from the United States to Mexico and did not receive permission from the Secretary of the Department of Homeland Security to re-enter the United States after his removal.
6. For these reasons, this affiant submits that there is probable cause to believe that on or about August 16, 2017, Carlos Sarbia-Aragon, an alien, was found in the United States of America at or near Florence, in the District of Arizona, after having been

previously denied admission, excluded, deported, and removed from the United States at or near El Paso, Texas on or about July 21, 2016, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a), and enhanced by (b)(1).



Salvador Delgado II,
Deportation Officer,
Immigration and Customs Enforcement

Sworn to and subscribed before me
this 21st day of August, 2017.



Michelle H. Burns,
United States Magistrate Judge